

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

ABDIEL AVILA, :
 : Civil Action No. 09-3278 (RBK)
Petitioner, :
v. : **O R D E R**
 : (CLOSED)
ERIC TAYLOR, et al., :
Respondents. :

On or about July 6, 2009, Petitioner filed the instant application for writ of habeas corpus, pursuant to 28 U.S.C. § 2254, and an application to proceed in forma pauperis.

For the reasons set forth in this Court's Opinion filed herewith;

IT IS on this 23rd day of July, 2009,

ORDERED that Petitioner's application to proceed in forma pauperis is hereby granted; and it is further

ORDERED that the Petition for a Writ of Habeas Corpus, filed pursuant to 28 U.S.C. § 2254, is dismissed, without prejudice, for failure to exhaust; and it is further

ORDERED that no certificate of appealability will issue; and it is finally

ORDERED that the Clerk of the Court shall close this case.

s/Robert B. Kugler
ROBERT B. KUGLER
United States District Judge